

ORM NEWS

**From the Office of the Deputy Assistant
Secretary for Resolution Management
Department of Veterans Affairs**



January 2002

From the Deputy Assistant Secretary



Web-Based Tracking System

As we move into a new year, it is not unusual for individuals to mistakenly use the past year's date when putting a date on correspondence or other documents. Most of these mistakes do little harm and are easily corrected and forgiven. These types of mistakes do not usually create a negative impression of us. However, this will not be the case when mistakes are entered into our Web-Based Tracking System (WBTS).

We need to keep in mind the saying, "Garbage In; Garbage Out" (GIGO). We cannot afford GIGO as we are working with issues of utmost importance to those we serve as well as the opinions of those assessing the quality of our work.

We must input data correctly the first time! Many people depend upon the accuracy of our data, what we say, and the information we make available. Our integrity depends up on the accuracy of information we provide. If we don't get it right, great harm may come to those using the services of ORM and our reputation may be severely damaged. Repairing that damage could be slow and painful, if repair is even possible.

We need to keep in mind the old adage, "Get it right the first time". I cannot over emphasize the importance of the accuracy of our data in the WBTS. I have instructed members of my staff to periodically run reports from the WBTS as a quality check. If you have questions about inputting data, please contact your Field Manager or Joan Hanson, Chief of the Office of Policy and Compliance. They will help.

We must strive to be like NASA and the Space Shuttle crew when a shuttle returns from a mission. After NASA makes the decision to bring the shuttle back to earth and takes it out of orbit, there is only one opportunity to land the shuttle aircraft. The flight crew and NASA stations must have it right for that one opportunity. Just as the crew on the shuttle depends on the ground-based NASA staff, those using our services depend upon us to have it right the first time.

Let's be sure we live up to our own expectations and exceed the expectations of others.

/s/

James S. Jones

Highlights of Regulations and Programs

Management Intervention in Employment/EEO Complaints at Providence VA Medical Center (The Employment Intervention Team)

November 2001

We think the Providence VAMC EEO intervention team is a “best practice” which other VA facilities should hear about.

Soon after assignment as Director of the VA Medical Center, Providence, Rhode Island, Vincent Ng determined that the facility's process for managing employee complaints was in need of his attention. It appeared that many issues that could have been resolved had become formal EEO complaints due to the absence of timely coordinated action.

Employee complaints may be handled through various informal and formal mechanisms. Informal counseling or local mediation (Alternate Dispute Resolution-ADR) addresses most issues effectively. In the absence of effective supervisory, management or ADR systems, complaints more often become formal, and thus more difficult and expensive to resolve.

The key to the Providence model is the interest of top management and the willingness to move toward complaint resolution. However, it was first necessary to establish a system for addressing complaints

- a. Providence VA Medical Center Director, with the assistance of Regional Counsel, Edward Lukey and his staff, established the following process:
 - Bi-weekly meetings are held to review the status of all formal and informal existing and potential EEO complaints. Participants include the Director, Chief of Human Resources, VA Attorney, the facility EEO Coordinator and ADR Coordinator. The group discusses possible resolutions of complaints, including identification of those that might benefit from mediation.
 - The result has been an on-going dialogue between VA stakeholders in the EEO process. The meeting provides the best opportunity to settle or resolve cases before they reach the formal stage or as early after formal complaint as possible, and to review lessons learned through these experiences.
- b. Strengthening of the EEO Coordinator position which reports to the Director

- c. Strengthening of the ADR program by assigning an administrative coordinator and including that person in the bi-weekly planning sessions to assure ADR is offered as an option early and often.
- d. Including EEO/ADR discussions in supervisors' town meetings and all employee town meetings. Presentation of trends and the bases of complaints are used to suggest prevention and resolution approaches.
- e. Including EEO/ADR data in reports to facility management and committees.

The emphasis placed on this process by the Medical Center Director has contributed to a change in organizational culture to one which values employee concerns, guides supervisory development and encourages conflict resolution as soon as possible and at the lowest level possible. The result has been a dramatic drop in new formal EEO complaints at the Providence VA Medical Center and a 70% reduction of existing EEO complaints through the mechanisms described above. *(Provided by the Providence VAMC)*

"This is a great example of prevention, early resolution and moving towards an employer of choice work environment." James S. Jones, DAS for ORM.

Breach of ADEA Settlement Agreements

Did you know?



That in Age Discrimination in Employment Act (ADEA) breach of settlement agreements, the complainant's retention of any consideration that they may have received under the settlement agreement does not delay the reinstatement of an ADEA claim against an agency.

Under the ADEA, *Dolores M. Oubre v. Entergy Operations Inc.*, 522 U.S. 422, 118 S. Ct 838 (1998), the Court of Appeals, Seventh Circuit rejected the employer's argument that "Plaintiffs must tender back the consideration received for executing...Severance Agreements" in order to maintain a claim under the ADEA.

The Older Workers Benefit Protection Act (OWBPA) of 1990, as amended by the ADEA, was enacted to make it clear that discrimination of the basis of age, in all forms of employee benefits, is unlawful and to ensure that older workers are not coerced or manipulated into waiving their rights to seek legal relief. *S. Rep. No. 263, 101st Cong. 2d Sec. (1990)*. The Courts have stated that applying a tender back requirement in an ADEA breach of settlement agreement would preclude employees from pursuing an ADEA claim, unless they somehow were able to come up with the money given, when allegedly forced to resign. Many discharged employees would lack the resources to return funds received. Therefore, they may be unable to pursue their legal rights. Courts have expressed that if an employee is forced to return the funds received for waiver, an employer may risk noncompliance with the OWBPA's waiver provision, knowing that the complainant may have difficulties repaying the monies.

Recent cases have established that if a complainant prevails on their EEO complaint, any monetary award may be subject to offset of consideration that they have already received from the agency. *Arun C. Baus v. Department of Agriculture, Appeal No. Gordon R. England v. Department of Navy Appeal No. 01A06004 (7/17/01) Lillian F. Sandle v. Department of Veterans Affairs, Appeal No. 01994141 (8/2/00)*.

On the other hand...

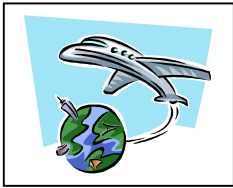


In order for a non-ADEA breach of settlement agreement complaint to be reinstated, the complainant is required to return the monies, benefits or compensatory damages received because of a settlement agreement.

For reinstatement of a non ADEA breach of settlement agreement, a complainant is required to return any monetary benefits including compensatory damages before their complaint can be reinstated to status quo ante, prior to signing of the agreement. *Armour v. Department of Defense, EEOC Appeal No. 01965593 (6/24/97); Komiskey v. Department of the Army EEOC Appeal No. 01955696 (9/5/99); Mohammad E. Akberzie, M.D., v. Department of Health and Human Service Appeal No. 01983230 (6/14/01)* (Joan Hanson, Chief, Office of Policy and Compliance)

For more information on the Age Discrimination in Employment Act of 1967 (ADEA) go to <http://www.eeoc.gov/laws/adea.html>.

Frequent Flyer Legislation Signed by President



Federal employees may now use the frequent flyer miles they earn while on government travel. President Bush signed into law the National Defense Authorization Act for FY 2002 on December 28, 2001. Section 1116 of this law authorizes Federal employees to retain promotional items, including frequent flyer miles, earned on official travel. Frequent flyer miles, earned on official travel were previously considered the property of the Government under provisions of the Federal Travel Regulations (FTR) and the Federal Property Management Regulations (FPMR). Federal employees may also use their frequent flyer miles to upgrade from coach to business and first class while on government travel. The Internal Revenue Service has indicated to GSA that these benefits may be taxable. The General Services Administration (GSA) has issued guidelines for using frequent travel benefits. These guidelines are available on GSA's Web site

http://www.gsa.gov/Portal/content/news_content.jsp?contentOID=120183&contentType=1003.

(Terry Washington, Office of the DAS)

Ethics Office Change Rule on Travel Reimbursements

Certain federal employees may be reimbursed for travel expenses related to unofficial speaking events under a final rule published by the Office of Government Ethics.

A provision in the Standards of Ethical Conduct prohibits federal employees from accepting compensation, including travel reimbursement, for teaching, speaking or writing on matters relating to their official duties. But in 1995, two EPA employees successfully challenged that provision and a district court of appeals ruled the travel part of it unconstitutional.

In the case, *Sanjour v. Environmental Protection Agency*, the EPA employees argued that they should be allowed to accept travel reimbursement for speeches given in a private capacity, but relating to their role as EPA officials. In their defense, the EPA employees pointed to a General Services Administration rule that allows federal agencies to permit employees to accept travel reimbursement for official speeches. The court agreed that having the two conflicting rules was unwise and ruled in favor of the employees.

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Reminder on the Use of Citi Bank Visa Government Travel Credit Cards

The debts resulting from the use of government travel credit cards should be paid in a timely manner. Failure to pay may lead to garnishment of your salary. Please be aware of the following:

- An account is suspended, if it is 36-89 days past due. If a payment has been received during this timeframe, the account may be reactivated.
- Accounts go to collection, when they are in a suspended status.
- An account goes into pre-cancellation when it is 90-100 days past due.
- An account is cancelled when it is 101 plus days past due.

Government travel credit cards should be used for official government travel purposes only. ORM's policy on the use of government travel credit cards is available at <http://vaww.va.gov/orm/HR.htm>.

What's Happening in the Field?



Washington DC Offices

The ORM Santa Express made its first Christmas delivery to the Powell Family in Lorton, Virginia. In the spirit of the holidays, employees of DAS's staff, the Office of Policy and Compliance, IT, and the Washington Field Office joined together to help this needy family. We collected enough toys to make up separate gift bags for each of the three children, including two bicycles, gifts for Ms. Powell and a turkey and food items. A special thanks goes to **Denise Bond** and **Ronnie Snowden** for their extra efforts in making this a Christmas to remember for the Powell family. **Fred Smith** of the Washington Field Office and **Terry Washington** of the DAS's staff made the delivery on December 17th. Ms. Powell asked that her thanks be extended

to everyone in ORM who contributed to our efforts to help make this a memorable Christmas for her family.

The first joint Christmas party was held for employees of the DAS's Office, the Washington Field Office, the Office of Policy and Compliance and IT. There were gift exchanges, singing, and food. It was a festive holiday occasion.

Leavenworth Field Office

Community efforts included the Leavenworth ORM staff participating in a Christmas food drive for the pantry at the Leavenworth Emergency Assistance Center. **Pamela Grosdidier** was the main coordinator for the event. Donations were greatly appreciated by the organization.

The Leavenworth Field Office enjoyed their holiday feast on December 13. Employees made their favorite dishes to share with co-workers. There was a "gift exchange" after the meal. Employees drew a number and then chose a gift according to the number they drew. The next person could "steal" an opened gift or choose to pick another gift. We found that quite a few employees were more willing to "steal" from their fellow employees. This was a great morale booster and a wonderful, enjoyable way to begin the Holiday Season.

Cleveland and Detroit Offices

Tywanna E. Halstead, Field Manager attended the Lyons Regional Training in Teaneck, New Jersey 12/3/-12/7/01.

Barbara Wilson Coleman attended the ORM New Counselors Training Course in Teaneck, New Jersey 12/3/-12/7/01, to observe the training. While there, she made a presentation on specified areas of the EEO process. Ms. Coleman will also be participating in future ORM New Counselor Training Courses.

Bettye Brown and Attorney Carolyn Robuck from EEOC conducted a 32-hour Training course for newly appointed EEO Counselors. The class included 35 individuals from various federal facilities across the United States. This course was conducted during the week of 12/3/01-12/7/01, in Washington DC at the EEOC Bldg.

The Cleveland Field Office staff and Detroit Satellite Office staff joined together to participate in a Xmas luncheon and gift exchange on December 17, 2001 at Macaroni's Restaurant in Montrose, Ohio. It was enjoyed by all.

Ty Halstead, Field Manager, congratulates the Cleveland Field Office staff and the Detroit Satellite Office staff for their generosity in providing food, toys and gifts for a Family Food Basket that was delivered to a Veteran and family members for the holidays.

Lyons and Bedford Offices

The Bedford, MA Field Office will officially integrate with the Lyons, NJ Field Office this month. The Lyons Field Office will add all of the six New England states to its area of jurisdiction, growing from four states to 10 states. The states now under Lyons jurisdiction are: New York, New Jersey, Pennsylvania, Delaware, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine.

The Lyons Field Office is managed by Regional EEO Officer **Rosa Franco** who has been in the position since the inception of this office in February 1998. Ms. Franco has appointed a transition group comprised of representatives from both the Lyons and Bedford Field Offices, charged with providing a plan for the successful and seamless integration of the two offices by the end of the second quarter of FY 2002.

Transition group members from the Lyons staff are Ms. Franco, **Robyn Labombarda** (Deputy Field Manager), **Amber Fisher** (C-1 Specialist), **Gregory Jones** (Counselor), **Amelia McCotty** (Intake Specialist) and **Ceil Stark** (Program Assistant). Group members from the Bedford staff are **Susan Epting** (Team Leader, C-2 Specialist), **Karen KubiK** (Investigator), and **Maureen Loupin** (Program Assistant).

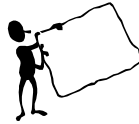
The Lyons Field Office joins others around the nation in their commitment to ORM's goal of making the Department of Veterans Affairs a leader among federal agencies in the prevention and resolution of workplace disputes.

Bay Pines Learning Resource Center

The first satellite dish linking ORM to the VA Knowledge Network has been installed at Bay Pines. Additional satellite dishes will be installed at all ORM

field offices in the future. Access to the Knowledge Network and its training programs will be available to employees after installation has been completed.

Special Employee Announcements



Office of the DAS

Alvertis Ramsey-Parrish, Budget Officer, is serving as an advisor to the FY 2001 - 2002, Women Executive Leadership Program. She also received monetary recognition from the Office of Administration for closing out the FY 2001 budget and serving on an interview panel for the position of Chief, Resources Management. In addition to her duties as ORM'S budget officer, she is acting as the Administrative Officer for the Office of the Assistant Secretary for Human Resources and Administration (HR&A) while Joel Biederman is out on medical leave through January 14. She is coordinating all the organizations FY 2002 budgets for HR&A's FY 2002 Budget Operating Plans for submission to the Office of Management. She also prepared Dr. Lozada, for his first monthly performance review with the Deputy Secretary.

Houston Field Office

Ronald Blackburn, EEO Counselor, retires after **40 years** of government service.

Hines Field Office

Two of ORM's finest employees have retired. Heartfelt thanks to **Beverly Stingley** (EEO Counselor) and **Hazel Williams** (EEO Investigator) for 30 + years of service with the federal government to include 3 years with the Office of Resolution Management. May your retirement years last as long as your employment years! Congratulations!!!

Los Angeles Field Office

Dennis Callahan, EEO Regional Manager, celebrated **30 years** with VA on December 18, 2001.

Did You Know?



AN AMERICAN TRADITION

VA joins the nation in observing the 73rd birthday anniversary of
Dr. Martin Luther King, Jr.

Dr. King was born on January 15, 1929. Each year on the third Monday of January, we celebrate what has now become an American tradition – the observance of our national holiday honoring Dr. King. The Federal holiday will be celebrated on January 21, 2002. The national theme is:

“Remember! Celebrate! Act! A Day On, Not A Day Off!”

For more information on Dr. King, visit www.thekingcenter.org. For more information on VA activities, visit VA's Black Special Emphasis Program web site www.va.gov/dmeeo/programs/hbcu.htm. (VACO Daily News)

Interviewing With Body Language

HotJobs.com - *December 17, 2001*
By Christopher Jones

How long do you have to prove yourself in an interview? Half an hour? Fifteen minutes? University of Toledo researchers found that job seekers have less than 30 seconds to make their mark on interviewers. Since first impressions are sometimes made before job seekers even open their mouths, nonverbal communication -- or, body language -- is an essential part of any interview.

Seeing Eye-to-Eye

Some people make too little eye contact. Others make too much. The right amount,

according to experts, lies somewhere in between.

"Make eye contact and periodically break away," says David Givens, Director of the Center for Nonverbal Studies in Spokane, Washington. *(continued on next page)*

"The one caution I would give," he adds, "is that when you break away, do not look down. It gives connotations of submissiveness."

Be Forward Thinking

The interviewer offers you a chair. You sit down and lean back. You've already made your first mistake. Always lean forward during a job interview. "Leaning back shows an attitude of being too relaxed," says Givens. "Leaning to the side can connote that you don't like the interviewer." Givens suggests leaning about 10 degrees forward.

Avoid Strong Expressions

Interviews are not personality parades. Nonverbal communication experts warn against showing too much expression during interviews. "You want to show some positive emotion, but it has to be understated and conservative," says Givens. The one exception is the handshake. For that, Givens suggests a "toothy smile."

Negative Signs

The successful candidate should also know what signs to avoid. These include:

- Hand behind the head: This is a universal sign that people are uncertain or annoyed, according to Givens.
- Palm-down gestures: Avoid these signs, as they are generally reserved for authority figures. Flashing power signs in an interview might hint at a power struggle.
- Tilting heads: While Givens acknowledges that this is a "great courtship signal," he advises against it for the job interview.
- Laughter: Feel free to laugh along with the interviewer, but don't erupt into laughter on your own. HotJobs.com, Ltd. 2001, Inc. All rights reserved.

(Contributed by Liz Hawkins, Office of Policy and Compliance)

Reminders:

- ❑ Click on ORM's Web site at <http://vaww.va.gov/orm> for the latest information on ORM programs, policies, and employee information.

Remember! Assistance is available to ORM employees through our Employee Assistance Program with Green Spring Health Services. If you are in need of some type of counseling as a result of the recent terrorist activities, you are encouraged to call 1 (800) 523-5015. Employees in the DC Metro area can also call Linda Smith at (202) 273-5015.

For assistance with computer problems contact the ITS Help Desk at (202) 273-6676 or send an e-mail to ORM.Help@orm.va.gov.

Visit the EEOC Web site www.eeoc.gov for current information on EEOC programs, decisions and other information relevant to the EEO process.

The Office of the Deputy Secretary for Resolution Management publishes ORM News monthly. It is intended for ORM employees. Please E-mail Terry Washington, External Affairs Program Analyst or Tyrone Eddins, External Affairs Program Manager, to submit your recommendations, suggestions, or comments on information presented in this newsletter. We can be reached at (202) 501-2800. Back copies of the newsletter can be found on ORM's Web site at <http://www.va.gov/orm/NewsEvents.htm>.

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